

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

IN RE:

LUCINDA M. MARSHALL

Debtor

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Case No.: 10-17409-DK

Chapter 13

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MOTION TO DISMISS FOR FAILURE TO FILE TAX RETURNS

Gerard R. Vetter, Chapter 13 Trustee, files this Motion to Dismiss Case for Failure to File Tax Returns, pursuant to 11 U.S.C. §§ 1307(e), and 1308(a), and states as follows:

1. The Debtor commenced this case under Chapter 13 on April 6, 2010.

2. According to the Proof of Claim filed by the Internal Revenue Service, 2009 income tax returns have not been filed. The Debtor has not satisfied the requirement of 11 U.S.C. §1308(a), which provides that no later than the day before the date on which the meeting of creditors is first scheduled to be held, if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Pursuant to 11 U.S.C. § 1307(e), this Court should dismiss this case.

WHEREFORE, the Trustee requests that this Court dismiss this case and grant such other relief as is just.

Date: August 9, 2010

/s/ Gerard R. Vetter

Gerard R. Vetter
Chapter 13 Trustee
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Tower II
Baltimore, MD 21201
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TO THE DEBTOR; RESPONSES OR OBJECTIONS TO THIS MOTION TO DISMISS MUST BE FILED WITHIN 21 DAYS FROM THE DATE OF THE CERTIFICATE OF SERVICE BELOW. ANY RESPONSE OR OBJECTION MUST INCLUDE THE FACTS AND LEGAL GROUNDS ON WHICH THE RESPONSE OR OBJECTION IS BASED. ANY RESPONSE OR OBJECTION MUST BE FILED WITH THE BANKRUPTCY COURT, WITH A COPY SERVED ON THE CHAPTER 13 TRUSTEE, GERARD R. VETTER, 100 S. CHARLES STREET, SUITE 501, TOWER II, BALTIMORE, MARYLAND 21201. THIS CASE MAY BE DISMISSED WITHOUT FURTHER ORDER OR NOTICE IF NO TIMELY OBJECTION IS FILED. THE COURT IN ITS DISCRETION MAY CONDUCT A HEARING OR DETERMINE THE MATTER WITHOUT A HEARING REGARDLESS OF WHETHER AN OBJECTION IS FILED.

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2010, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the paper above referenced to be sent, by First Class U.S. Mail, postage prepaid to:

Lucinda M. Marshall
110 Oak Street
Fruitland, MD 21826

Jeffrey M. Sirody, Esq.
1777 Reisterstown Road
Suite 360 E.
Baltimore, MD 21208
Counsel for Debtor

/s/ Gerard R. Vetter
Gerard R. Vetter